

# ***A G E N D A***

## ***Community Advisory Commission***

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**August 4, 2004**  
Milpitas City Hall Committee Meeting Room  
455 E. Calaveras Blvd.  
7:00 p.m.

- I. Roll Call:** Joselito Abelardo, Philip Cook, Arsenio Iloreta, Chris Lee, Sudhir Mandal, Syed Mohsin, Marie Pham, Craig Ranker and Sam Robinson  
Alternates: Danny Fang, Jenifer Lind, Nestor Luna, and Michael Queenan

**II. Seating of Alternates**

**III. Pledge of Allegiance**

**IV. Approval of Agenda**

**V. Approval of Minutes:** June 2, 2004

**VI. Announcements**

**VII. Citizen's Forum**

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Members of the audience are invited to address the Commission on any subject not on tonight's agenda. Speakers are asked to supply their name and address for the record. Commissioners cannot respond to issues brought forward, but may request that the matter be placed on the agenda of a future meeting.

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**VIII. Liaison Reports**

**A. City Council Report** Councilmember Polanski

**IX. New Business**

**A. Selection of NBO Annual Awards Subcommittee**

The Neighborhood Beautification Awards Program was established in 2000 to recognize and reward City of Milpitas residents, property owners, and neighborhoods and community groups for improvements and maintenance of their properties or neighborhoods within public view. Staff recommends the Commission select a subcommittee comprised of three Commissioners to review this year's applications, tour the nominated sites the week of September 13, 2004 and make recommendations to the entire Commission at their October 6, 2004 meeting.

**Recommendation:** Select three Commissioners to serve on the 2004 NBO Awards subcommittee.

## **B. Neighborhood Preservation Subcommittee tour code violations status report.**

On October 30, 2003, the CAC subcommittee members along with Gloria Anaya toured Main/Abel Street for educational purposes. During the tour several issues were observed and follow-up was requested. All the subcommittee concerns were resolved (see attached report).

## **C. Ethics Project**

Upon adopting the new Ethics Code, Behavioral Standards and Implementation Plan on June 1, 2004, the Council directed staff to come back with a contract to prepare the implementation measures. On July 6, 2004, the Council approved the attached amendment to Dr. Shanks' contract to prepare the implementation measures prior to the end of the year, most prior to the November election, at an additional cost not to exceed \$40,500, as per an aggressive schedule in the contract amendment.

While many of the implementation measures are being prepared simultaneously and reviewed by the Steering Committee, the Ethics Complaint Process has been the first significant deliverable thus far. The ordinance to establish the Ethics Evaluator Panel is attached and is being reviewed by the Council on August 3, 2004 for first reading. Briefly, the complaint process is as follows:

1. An Ethics Code complaint against a City Council member, Commissioner and/or Council candidate shall be submitted on the prescribed form to the City Clerk who will forward the complaint to the Lead Evaluator.
2. The Lead Evaluator will review the complaint and determine whether it is acceptable – i.e., specific and within the Panel's jurisdiction within 72 hours of being received by the City Clerk.
3. If accepted, the Lead Evaluator will call a meeting of the Panel for a date not less than 7 days following the acceptance to allow noticing to the accused, the complainant and all other persons requesting notice.
4. After hearing testimony and reviewing documentary evidence at the meeting, the Panel will make a decision of whether an ethics violation has occurred.
5. After the meeting, the Lead Evaluator will prepare the written decision of the Panel, which will be mailed, to the complainant and alleged violator.
6. The Panel's written determination, if a violation has occurred, shall require the violator to cease and desist the violation and/or apologize and shall be the basis for public criticism, in addition to possible, recommended further action by the City Council.

Evaluators shall serve four-year terms and shall not live, vote, or have their primary place of business in the City, nor be employed by the City or serve as a City consultant. In addition, evaluators shall not be a candidate for or hold public office in another city or county, shall not have participated in or made financial contributions to a Milpitas election campaign and not be employed as a lobbyist related to City matters. A lead among the evaluators shall be appointed for a one-year term.

In addition to evaluating complaints, the Evaluators shall prepare an annual report to the Community Advisory Commission (CAC) concerning the work of the Panel and any recommended changes to the Ethics Code, Behavioral Standards and complaint procedures.

Regarding required ethics training, the Council's first training is July 29<sup>th</sup>. The first part of Senior Staff training has been set for September 29<sup>th</sup>. Commissioner training is October 7, 2004 from 7 to 9 pm. An alternative date for Commissioner training is October 20<sup>th</sup>.

Regarding a lobbyist registry ordinance, concurrently with the work of the Council's City Attorney Subcommittee, an open government ordinance was prepared and approved on first reading at the July 6, 2004 Council meeting. That ordinance contains requirements for a lobbyist registry and references the City's Ethics Code. Dr. Shank, staff and the City Attorney have begun meeting to determine what amendments will need to be made after the ordinance is adopted, to address any gaps with the Ethics Program. As per the contract schedule, those amendments are not due until December, however will likely be drafted in September.

Implementation Measure 5 involves seeking partners to hold candidates accountable. Two types of partners were proposed: endorsing partners and community partners. Since campaign is well underway, the Steering Committee decided to solicit community partners only this election year using the attached agreement, which is in draft form. A similar endorsing partner promise form will be used in the next election and has been drafted for future use. Staff is working on preparing a mailing list of all community organizations to send the partner forms.

The date of Sunday, October 31<sup>st</sup> has been tentatively selected to hold a campaign candidates forum/debate to carry out Implementation Measure No. 7. This forum will be different than the annual Chamber of Commerce debate in that its purpose is to provide a final chance for candidates to address claims that might have been made in last minute campaigning. After the filing deadline, campaign candidates will be sent information about this forum so that they can be alerted to its occurrence and purpose. Dr. Shanks is in the process of securing a non-partisan sponsor for the event and has had an initial contact with the League of Women Voters.

As agreed to at the last CAC meeting when the issue of whether to hold the CAC's annual town hall meeting was discussed, the post-election assessment meeting will serve as the primary focus of the CAC's town hall meeting this year. Given when the assessment meeting needs to occur (after the election which is after the usual early October town hall time frame), the post-election/town hall meeting has been set for Tuesday, November 30, 2004. The Steering Committee suggests that the CAC move their Wednesday, December 1<sup>st</sup> meeting to Thursday, December 2<sup>nd</sup>, so that the CAC does not have two meeting nights in a row. This date will start to be publicized in the City's newsletter and in the Ethics Public Information Campaign to ensure good and comprehensive attendance. No meeting format information is available yet.

Significant work has also begun on Implementation Measure No. 8 – Public Information Campaign for Citizens to Vote Ethics. The attached plan and schedule and message design concept have been drafted. Contrary to the slogan information it contains, at last week's Steering Committee, the Committee narrowed the choices to a preferred slogan: Measure Up. It can be graphically depicted and translated into different languages to convey the meaning of measuring up your candidate to the city's Ethics Code and measuring up to the highest level we can be when we are at our best.

**Recommendation:** Recommend to the City Council support of the Complaint Process/Ethics Evaluator Panel Ordinance and the Public Information Campaign Plan and Slogan.

#### **D. Subcommittee/Task Force Status Reports**

- Neighborhood Preservation (Lee, Mohsin, Queenan, and Luna)
- 50<sup>th</sup> Year Anniversary (Mohsin, Mandal and Lind)
- Ethics (Abelardo, Lind, and Ranker)
- Tree Decorating Celebration (Pham, Robinson, Cook and Abelardo)

**Recommendation:** Discussion only, no action needed.

#### **X. Adjournment to September 1, 2004**

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